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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/285,772	04/05/1999	KAORU YAMAMOTO	Q53891	4120

7590

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EXAMINER

FLETCHER, JAMES A

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 10/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/285,772

Applicant(s)

YAMAMOTO ET AL.

Examiner

James A. Fletcher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. In answer to the applicant's inquiry regarding document 296 19 764 U1, the Examiner did not consider that reference because no translation was provided.

Response to Arguments

2. Applicant's arguments filed 19 August 2002 regarding non-amended claims 1, 9, and 11 have been fully considered but they are not persuasive. In re page 3, the applicant states that Ostrover does not read on claim 1 because of a statement on Col 4, line 66 through Col 5, line 2, that reads "blocks unique to the two versions will never be read during the same disk play," while claim 1 reads "reproducing the substantial data in all available reproduce patterns." The applicant's representative then states that this is inconsistent.

In response, the examiner respectfully disagrees with the applicant's representative. Ostrover permits play of all available reproduce patterns, and the example shown in figure 1 illustrates two of those patterns: version A and version B, which may be all of the available reproduce patterns on the disc.

The examiner agrees with the applicant's representative that the Ostrover reference explicitly states that in a multiple rating version of a program, not all scenes will be shown. However, the claim does not state that a continuous play of all segments is an available reproduce pattern, and if it did, Ostrover could still read on that by having a single version on the disc in a reproduction sequence.

In other words, the applicant's broad claim of "substantial data" is interpreted to mean picture and sound information. The first reproduce control information is

interpreted to mean navigation data, and the second reproduce information is interpreted to mean a subset of the navigation data. The available reproduce patterns may include parental control (Motion Picture Association of America rating) to permit the navigation data to show a specific sequence of scenes, which may change if the parental control setting changes. If a disc is not rated, or does not contain multiple rating versions of the same program, the second reproduce information will not necessarily limit the scenes to be shown. The Ostrover reference reads on this interpretation. Therefore, the rejection stands.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The term "simple" in claims 19 and 20 is a relative term, which renders the claim indefinite. The term "simple" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 9-15 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ostrover et al (5,644,507).

Regarding claim 1, Ostrover et al describe an information recording medium on which are recorded substantial data and reproduce control information for reproducing the substantial data, wherein the reproduce control information comprises:

- first reproduce control information required for reproducing the substantial data in all available reproduce patterns (Col 1, lines 41-43 “A series of codes and pointers included in each block allow play of common blocks when either version is being played”); and
- second reproduce control information required for reproducing the substantial data in a part of all the available reproduce patterns (Col 1 lines 41-44 “A series of codes and pointers included in each block allow...play of blocks of only one of the two other types depending on which version has been selected”).

Regarding claim 2, Ostrover et al describe an information recording medium wherein;

- the substantial data are divided into one or a plurality of tracks and are defined as one or a plurality of titles, each corresponding to a logical set comprising one of the plurality of tracks (Fig 1 shows “A” blocks, “B” blocks, and “C” or “common” blocks);
- the first reproduce control information is recorded on a per-title basis so as to spread over the information recording medium (Col 2, lines 28-30 “successive data blocks representing the two versions are chopped up into pieces and interleaved in the track”); and

- the second reproduce control information corresponds to reproduce control information items about the tracks recorded on the information recording medium being collectively recorded in a predetermined location of a program area (Col 7, lines 48-50 "the necessary pointers are placed...in an appropriate table stored elsewhere").

Regarding claim 3, Ostrover et al describe an information recording medium wherein the tracks comprise:

- tracks to be reproduced in all the reproduce patterns (Fig 1, "C" or "common" blocks); and
- tracks to be reproduced in only a portion of the reproduce patterns (Fig 1, "A" and "B" blocks).

Regarding claims 4 and 5, please see Examiner's remarks regarding claim 1.

Regarding claim 9, Ostrover et al describe an information reproducing apparatus for reproducing an information recording medium on which are recorded substantial data, first reproduce control information required for reproducing the substantial data in all available reproduce patterns, and second reproduce control information required for reproducing the substantial data in a portion of the available reproduce patterns, comprising:

- reading means for reading information from the information recording medium (Col 2, line 26, "read head"); and
- reproduce processing means capable of reproducing the substantial data in a portion of the available reproduce patterns (Fig 3, item 41 "Microprocessor

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Master Controller” which controls the player, and Col 2, lines 50-56 explain how the reproducing means plays only a selected portion of the available reproduce patterns), wherein

- the reproduce processing means acquires the second reproduce control information prior to any of the substantial data, stores the thus-acquired second reproduce control information into storage means, and plays back the substantial data on the basis of the second reproduce control information (Figures 13A and 13B, and Col 14-lines 38-52 “The three functions R[A], R[B] and R[C]...represent lists of data that...next has to be formatted on the disk. The R[C] list includes all of the remaining data in the common segment being processed...or the entire common segment that follows A and B segments.” The control data is clearly shown to be available before the program or “substantial” data).

Regarding claim 10, Ostrover et al describe a player wherein

- the substantial data are divided into one or a plurality of tracks and are defined as one or a plurality of titles, each corresponding to a logical set comprising one or the plurality of tracks (Col 1, lines 19-23 “The motion picture is represented on the disk as ‘compressed video’ in the form of successive data blocks in a single track”);
- the player further comprises means for specifying a track to be reproduced (Col 13, line 67 - Col 14, line 1 “A controller, typically a microprocessor, directly controls a recording device”); and

- the reproduce processing means acquires information relating to the thus-specified track from the second reproduce control information stored in the storage means Col 14, lines 2-5 “The input information furnished to the controller is a standard Edit Decision list which specifies the sequence...of the series of segments required for the two versions”).

Regarding claim 11, Ostrover et al describe a signal embodied in a carrier wave comprising:

- substantial data to be reproduced independently of one another (Col 1, lines 41-44 “A series of codes and pointers included in each block allow...play of blocks of only one of the two other types”), and
- reproduce control information for reproducing the substantial data, the reproduce control information comprising (Col 1, lines 41-42 “A series of codes and pointers included in each block”);
 - first reproduce control information required for reproducing the substantial data in all available reproduce patterns (Col 1, lines 41-43 “A series of codes and pointers...allow play of common blocks when either version is being played”; and
 - second reproduce control information required for reproducing the substantial data in a part of all the available reproduce patterns (Col 1, lines 41-44 “A series of codes and pointers...allow...play of blocks of only one of the two other types depending on which version has been selected”).

Regarding claim 12, please see the Examiner's comments regarding claim 2.

Regarding claim 13, please see the Examiner's comments regarding claim 3.

Regarding claims 14 and 15, please see the Examiner's comments regarding claim 1.

Regarding claims 19 and 20, Ostrover meets the requirement of the second reproduce control information utilized in an audio player (Col 1, lines 22-23 "each block possibly containing...audio information").

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ostrover et al as applied to claims 1 and 2 above, and further in view of Nagasawa (5,809,201).

Regarding claim 6, although Ostrover et al describe an information recording medium wherein the second reproduce control information comprises at least address information (Col 5, lines 23-24 "the serial block number of another data block"), attribute information (Col 1, lines 41-43 "A series of codes and pointers included in each block"), they do not specifically describe the control information comprising reproduce times relating to the tracks. However, Nagasawa describes all of these features (Col 17, line 56 "zone address," Col 17, line 60 "video attribute data," and Col 18, line 6 "time code").

When playing a recorded signal in a non-contiguous fashion, navigation data to facilitate quick location of a sector not immediately following the present sector is necessary.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include all available navigation data in the control information.

Regarding claims 7 and 8, although Ostrover et al do not specifically describe an information recording medium wherein

- the program area comprises an audio zone in which the substantial data chiefly comprise audio data, and a video zone in which the substantial data chiefly comprise video data, Nagasawa describes such program areas (Col 5, lines 44-46 "It may be so arranged that the area within the optical disk is divided into a plurality of zones"); and
- the second reproduce control information is recorded at the head of the zone, Nagasawa also describes the placement of the reproduce control information (Col 5, lines 48-49 "Address data and a header signal being preformatted at the head of each...information block". Placing the audio and video signals in separate zones permits parallel reading and processing, which improves the speed at which such processing can take place. Therefore, it would have been obvious to one of ordinary skill in the art to divide the signals into zones and provide control information in the headers.

9. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ostrover et al as applied to claims 11 and 12 above, and further in view of Nagasawa (5,809,201).

Regarding claim 16, although Ostrover et al describe an information recording medium wherein the second reproduce control information comprises at least address information (Col 5, lines 23-24 "the serial block number of another data block"), attribute information (Col 1, lines 41-43 "A series of codes and pointers included in each block"), they do not specifically describe the control information comprising reproduce times relating to the tracks. However, Nagasawa describes all of these features (Col 17, line 56 "zone address;" Col 17, line 60 "video attribute data;" and Col 18, line 6 "time code"). When playing a recorded signal in a non-contiguous fashion, navigation data to facilitate quick location of a sector not immediately following the present sector is necessary. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include all available navigation data in the control information.

Regarding claims 17 and 18, although Ostrover et al do not specifically describe an information recording medium wherein

- the program area comprises an audio zone in which the substantial data chiefly comprise audio data, and a video zone in which the substantial data chiefly comprise video data, Nagasawa describes such program areas (Col 5, lines 44-46 "It may be so arranged that the area within the optical disk is divided into a plurality of zones"); and
- the second reproduce control information is recorded at the head of the zone, Nagasawa also describes the placement of the reproduce control information (Col 5, lines 48-49 "Address data and a header signal being preformatted at the head of each...information block". Placing the audio and video signals in

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separate zones permits parallel reading and processing, which improves the speed at which such processing can take place. Therefore, it would have been obvious to one of ordinary skill in the art to divide the signals into zones and provide control information in the headers.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231


or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF
October 8, 2002


**ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**